

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARIN GREENE,

Plaintiff,

No. CIV S-04-0917 MCE DAD P

vs.

SOLANO COUNTY JAIL,

Defendant.

ORDER

Plaintiff is proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On September 27, 2005, defendant Rourk filed a motion for summary judgment. Before the court are plaintiff's requests for extensions of time and appointment of counsel.¹

Plaintiff first requests an additional sixty days to file his opposition to defendant's motion for summary judgment. Plaintiff's request was filed one day after the defendant's summary judgment motion was filed. The court will grant plaintiff only a limited extension of time in light of plaintiff's failure to demonstrate that he has been working diligently on his opposition or to explained why the requested extension of time is necessary.

¹ Plaintiff is advised that every document submitted to the court for consideration must be served on defendant. Fed. R. Civ. P. 5. In addition, plaintiff must file a certificate stating the date an accurate copy of the document was mailed to defendant or her attorney and the address to which it was mailed. See Local Rule 5-135(b) and (c).

1 Plaintiff has also requested the appointment of counsel.² The United States
 2 Supreme Court has ruled that district courts lack authority to require counsel to represent
 3 indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298
 4 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of
 5 counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir.
 6 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the
 7 court does not find the required exceptional circumstances. Plaintiff's request for the
 8 appointment of counsel will therefore be denied.

9 Next, plaintiff requests funds for "investigative work and any other necessary
 10 expenses relating to this case which will be paid by the losing party." (Req. for Appoint. of
 11 Assist. of Counsel and Expense Funds for Investigation, at 1.) The expenditure of public funds
 12 on behalf of an indigent litigant is proper only when authorized by Congress. Tedder v. Odel,
 13 890 F.2d 210 (9th Cir. 1989). The in forma pauperis statute does not authorize the expenditure
 14 of public funds for an investigators or for litigation expenses. See 28 U.S.C. § 1915. Therefore,
 15 plaintiff request for funds to assist him in litigating his case will be denied.

16 Lastly, plaintiff requests additional time to review the deposition transcripts that
 17 have been prepared by a court reporting service. The court will not issue such an order.

18 Accordingly, IT IS HEREBY ORDERED that:

19 1. Plaintiff's September 28, 2005 request for an extension of time to file his
 20 opposition is granted in part;

21 2. Plaintiff shall file his opposition on or before November 28, 2005;

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 24 ² With his request for the appointment of counsel and expense funds, plaintiff has attached
 25 a notice of change of address. Plaintiff's address will be changed to Deuel Vocational Institution.
 26 Plaintiff is advised that it is his responsibility to keep the court apprised of his current address at all
 times. Local Rule 83-182(f). Plaintiff must notify the court immediately with a new address when
 he is released from custody.

1 3. Plaintiff's September 28, 2005 request for the appointment of counsel and for
2 litigation funds are denied; and

3 4. Plaintiff's September 28, 2005 request for an extension of time to review
4 deposition transcripts is denied.

5 DATED: October 5, 2005.

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8 DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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